

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

MERRILL LYNCH BANK (SUISSE) SA,

Defendant.

Adv. Pro. No. 11-02910 (SMB)

**STIPULATION EXTENDING TIME TO RESPOND
AND ADJOURNING THE PRE-TRIAL CONFERENCE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, by and through his counsel, Baker & Hostetler LLP, and defendant Merrill Lynch Bank (Suisse) SA (“MLBS”), by and through its counsel, Arnold & Porter LLP, hereby stipulate and agree as follows:

Whereas on November 22, 2011, the Trustee filed the above-captioned action against MLBS in this Bankruptcy Court, asserting bankruptcy law claims (the “Complaint”);

Whereas the Trustee and MLBS previously have entered into stipulations recognizing MLBS’s waiver of service of the Summons and Complaint in this action, setting a date for MLBS to answer the Trustee’s Complaint, and setting a briefing schedule should MLBS move to dismiss the Trustee’s Complaint in lieu of an answer;

Whereas except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses the Trustee and MLBS may have and entry into this stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction;

IT IS HEREBY STIPULATED AND AGREED by and between the Trustee and MLBS, by the endorsement of their counsel below, that:

1. MLBS shall file and serve an answer, motion or other response to the Complaint in this action no later than September 15, 2014;
2. The Trustee’s response to any motion or other response filed and served by MLBS with respect to the Complaint shall be filed and served no later than November 17, 2014;
3. MLBS’s reply to any response by the Trustee referenced in paragraph 2 above shall be filed and served no later than December 22, 2014; and
4. The Pre-Trial Conference shall be adjourned from October 29, 2014, at 10:00 a.m. to January 28, 2015, at 10:00 a.m.

This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one

and the same instrument. A signed facsimile or electronic copy of this stipulation shall be deemed an original. This stipulation is entered into pursuant to the Order Granting Supplemental Authority to Stipulate to Extensions of Time to Respond and Adjourn Pre-Trial Conferences (Adv. Pro. No. 08-01789 (SMB), Dkt. No. 7037).

Dated: July 2, 2014
New York, New York

/s/ Thomas L. Long
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Thomas L. Long
Email: tlong@bakerlaw.com
Regina L. Griffin
Email: rgriffin@bakerlaw.com

*Attorneys for Trustee Irving H. Picard, Esq.,
Trustee for the SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff*

/s/ Mary E. Sylvester
ARNOLD & PORTER LLP
399 Park Avenue
New York, New York 10022
Telephone: (212) 715-1000
Facsimile: (212) 715-1399
Pamela A. Miller
Email: Pamela.Miller@aporter.com
Kent A. Yalowitz
Email: Kent.Yalowitz@aporter.com
Mary E. Sylvester
Email: Mary.Sylvester@aporter.com

*Attorneys for Defendant Merrill Lynch Bank
(Suisse) SA*